

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ABDUL HOWARD,

Defendant.

Case No.: 2:13-cr-00186-GMN-VCF

ORDER

Pending before the Court is the Motion to Vacate, Set Aside, or Correct Sentence Under 28 U.S.C. § 2255, (“§ 2255 Motion”) (ECF No. 471), filed by Petitioner Abdul Howard (“Petitioner”). The Government did not file a Response, but instead filed a Motion to Dismiss Petitioner’s § 2255 Motion, (ECF No. 476), which Petitioner did not respond to.¹ Also pending before the Court is the Motion for Reconsideration of Motion for Sentence Reduction, (ECF No. 473). The Government filed a Response, (ECF No. 475), to which Petitioner filed a Reply (ECF No. 477).² Further pending before the Court is Petitioner’s Motion for Copies, (ECF No. 481), requesting a copy of the docket sheet.

The Court finds that both the § 2255 Motion and the Motion for Reconsideration are duplicate or successive motions that the Court has already ruled on. For the reasons set forth in this Court’s July 17, 2023, Order Denying Motion to Vacate, (ECF No. 420), the Court DENIES the § 2255 Motion. Moreover, for the reasons set forth in this Court’s August 15, 2024, Order denying Petitioner’s Motion to Reduce Sentence, (ECF No. 465), the Court DENIES Petitioner’s Motion for Reconsideration.

¹ Petitioner filed a Motion Requesting Order to Vacate, (ECF No. 478), arguing that because the Government did not file a Response to the § 2255 Motion, (ECF No. 471), the Motion should be granted. However, the Government did file a Motion to Dismiss, (ECF No. 475), Petitioner’s § 2255 Motion.

² Petitioner also filed an improper sur-reply, (ECF No. 480), which the Court does not consider.

Conclusion

IT IS HEREBY ORDERED that Petitioner's § 2255 Motion, (ECF No. 471), is **DENIED**.

IT IS FURTHER ORDERED that Petitioner's Motion Requesting Order to Vacate Sentence, (ECF No. 478), is **DENIED**.

IT IS FURTHER ORDERED that Petitioner's Motion for Reconsideration of Motion for Sentence Reduction, (ECF No. 473), is **DENIED**.

IT IS FURTHER ORDERED that the Government's Motion to Dismiss, (ECF No. 476), Petitioner's § 2255 Motion is **GRANTED**.

IT IS FURTHER ORDERED that Petitioner's Motion for Copies, (ECF No. 481), is **GRANTED**. The Clerk of Court is kindly directed to mail a copy of this Order along with ECF Nos. 420 and 465 along with a copy of the docket sheet to Petitioner at the following address:

Abdul Howard
47855048
United States Penitentiary McCreary
P.O. Box 3000
Pine Knot, KY 42635

Dated this 12 day of November, 2024.



Gloria M. Navarro, District Judge
United States District Court